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June 21, 2019

Ronnie Abrams
U.S. District Judge
40 Centre Street
New York, NY 10007

RE: Daniels v. City of New York, 18-3717 (RA)

Dear Judge Abrams:

I represent plaintiff in this action. I follow up on a letter I filed earlier today. Having reconsidered the issue, the holding in *McDonough v. Smith*, plaintiff's position would be consistent with although his proceeding was not terminated in his favor, *McDonough* must stand for the position that the statute of limitations would run from the later of (1) knowing that the arresting state official had transmitted the false information to prosecutors; or (2) a termination in favor of the criminal defendant or the § 1983 plaintiff.

Here, as plaintiff argued in opposition to the defendants' second motion to dismiss, the time at which the officer-defendant transmitted the information to the New York County DA is something that is unknowable on this record.

Therefore, and with all due respect, I was incorrect in my earlier letter of today and the motion should be denied.

Sincerely,

Greg S. Antollino

Gregory Antollino

Cc: William Akina by ecf